

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Property Tax Code is amended by adding
5 Section 18-103 as follows:

6 (35 ILCS 200/18-103 new)

7 Sec. 18-103. General Community Mental Health Act
8 Validation Law. On and after January 1, 1994 and on or before
9 the effective date of this amendatory Act of the 102nd General
10 Assembly, the provisions of the Truth in Taxation Law are
11 subject to the Community Mental Health Act, Section 5-25025 of
12 the Counties Code, the Community Care for Persons with
13 Developmental Disabilities Act, and those referenda under
14 those Acts authorizing and creating boards and levies. The
15 purpose of this Section is to validate boards and levies
16 created on or after January 1, 1994 and on or before the
17 effective date of this amendatory Act of the 102nd General
18 Assembly that relied on conflicting referenda language
19 contained in the Community Mental Health Act, the Counties
20 Code, and the Community Care for Persons with Developmental
21 Disabilities Act.

22 Section 10. The Community Care for Persons with

1 Developmental Disabilities Act is amended by changing Section
2 1.2 as follows:

3 (50 ILCS 835/1.2) (was 55 ILCS 105/1.2)

4 Sec. 1.2. Petition for submission to referendum by
5 electors.

6 (a) Whenever a petition for submission to referendum by
7 the electors which requests the establishment and maintenance
8 of facilities or services for the benefit of its residents
9 with a developmental disability and the levy of an annual tax
10 not to exceed 0.1% upon all the taxable property in the
11 governmental unit at the value thereof, as equalized or
12 assessed by the Department of Revenue, is signed by electors
13 of the governmental unit equal in number to at least 10% of the
14 total votes cast for the office that received the greatest
15 total number of votes at the last preceding general election
16 of the governmental unit and is presented to the county clerk,
17 the clerk shall certify the proposition to the proper election
18 authorities for submission at the governmental unit's next
19 general election. The proposition shall be in substantially
20 the following form:

21 Shall (governmental unit) levy an annual tax not to
22 exceed 0.1% upon the equalized assessed value of all
23 taxable property in (governmental unit) for the purposes
24 of establishing and maintaining facilities or services for
25 the benefit of its residents who are persons with

1 intellectual or developmental disabilities and who are not
2 eligible to participate in any program provided under
3 Article 14 of the School Code, 105 ILCS 5/14-1.01 et seq.,
4 including contracting for those facilities or services
5 with any privately or publicly operated entity that
6 provides those facilities or services either in or out of
7 (governmental unit)?

8 (b) If a majority of the votes cast upon the proposition
9 are in favor thereof, such tax levy shall be authorized and the
10 governmental unit shall levy a tax not to exceed the rate set
11 forth in Section 1 of this Act.

12 (c) If the governmental unit is also subject to the
13 Property Tax Extension Limitation Law, then the proposition
14 shall also comply with the Property Tax Extension Limitation
15 Law. Notwithstanding any provision of this subsection, any
16 referendum imposing an annual tax on or after January 1, 1994
17 and prior to the effective date of this amendatory Act of the
18 102nd General Assembly that complies with this Section is
19 hereby validated.

20 (Source: P.A. 99-143, eff. 7-27-15; 100-1129, eff. 1-1-19.)

21 Section 15. The Counties Code is amended by changing
22 Section 5-25025 as follows:

23 (55 ILCS 5/5-25025) (from Ch. 34, par. 5-25025)

24 Sec. 5-25025. Mental health program. If the county board

1 of any county having a population of less than 1,000,000
 2 inhabitants and maintaining a county health department under
 3 this Division desires the inclusion of a mental health program
 4 in that county health department and the authority to levy the
 5 tax provided for in subsection (c) of this Section, the county
 6 board shall certify that question to the proper election
 7 officials, who shall submit the proposition at an election in
 8 accordance with the general election law. The proposition
 9 shall be in substantially the following form:

10 -----
 11 ShallCounty include
 12 a mental health program in the YES
 13 county health department, and
 14 levy an annual tax of not to exceed -----
 15 .05% of the value of all taxable
 16 property for use for mental health
 17 purposes by the county health NO
 18 department?
 19 -----

20 If a majority of the electors voting at that election vote
 21 in favor of the proposition, the county board may include the
 22 mental health program in the county health department and may,
 23 annually, levy the additional tax for mental health purposes.
 24 All mental health facilities provided shall be available to
 25 all citizens of the county, but the county health board may
 26 vary any charges for services according to ability to pay.

1 If the county is also subject to the Property Tax
2 Extension Limitation Law, then the proposition shall also
3 comply with the Property Tax Extension Limitation Law.
4 Notwithstanding any provision of this Section, any referendum
5 imposing an annual tax on or after January 1, 1994 and prior to
6 the effective date of this amendatory Act of the 102nd General
7 Assembly that complies with this Section is hereby validated.

8 When the inclusion of a mental health program has been
9 approved:

10 (a) To the extent practicable, at least one member of the
11 County Board of Health, under Section 5-25012, shall be a
12 person certified by The American Board of Psychiatry and
13 Neurology professionally engaged in the field of mental health
14 and licensed to practice medicine in the State, unless there
15 is no such qualified person in the county.

16 (b) The president or chairman of the county board of
17 health shall appoint a mental health advisory board composed
18 of not less than 9 nor more than 15 members who have special
19 knowledge and interest in the field of mental health.
20 Initially, 1/3 of the board members shall be appointed for
21 terms of one year, 1/3 for 2 years and 1/3 for 3 years.
22 Thereafter, all terms shall be for 3 years. This advisory
23 board shall meet at least twice each year and provide counsel,
24 direction and advice to the county board of health in the field
25 of mental health.

26 (c) The county board may levy, in excess of the statutory

1 limit and in addition to the taxes permitted under Sections
 2 5-25003, 5-25004 and 5-25010, an additional annual tax of not
 3 more than .05% of the value, as equalized or assessed by the
 4 Department of Revenue, of all taxable property within the
 5 county which tax shall be levied and collected as provided in
 6 Section 5-25010 but held in the County Health Fund of the
 7 county treasury for use for mental health purposes. These
 8 funds may be used to provide care and treatment in public and
 9 private mental health facilities.

10 (d) When a mental health program has been included in a
 11 county health department pursuant to this Section, the county
 12 board may obtain the authority to levy a tax for mental health
 13 purposes in addition to the tax authorized by the preceding
 14 paragraphs of this Section but not in excess of an additional
 15 .05% of the value, as equalized or assessed by the Department
 16 of Revenue, of all taxable property in the county by following
 17 the procedure set out in Section 5-25003 except that the
 18 proposition shall be in substantially the following form:

19 -----

20	Shall.... county levy, in excess	
21	of the statutory limit, an additional	YES
22	annual tax of not to exceed .05% for	-----
23	use for mental health purposes by the	NO
24	county health department?	

25 -----

26 If the majority of all the votes cast on the proposition in

1 the county is in favor thereof, the county board shall levy
 2 such tax annually. The levy and collection of this tax shall be
 3 as provided in Section 5-25010 but the tax shall be held in the
 4 County Health Fund of the county treasury for use, with that
 5 levied pursuant to paragraph (c), for mental health purposes.
 6 (Source: P.A. 86-962; 86-1028.)

7 Section 20. The Community Mental Health Act is amended by
 8 changing Section 5 as follows:

9 (405 ILCS 20/5) (from Ch. 91 1/2, par. 305)

10 Sec. 5. (a) When the governing body of a governmental unit
 11 passes a resolution as provided in Section 4 asking that an
 12 annual tax may be levied for the purpose of providing such
 13 mental health facilities and services, including facilities
 14 and services for the person with a developmental disability or
 15 a substance use disorder, in the community and so instructs
 16 the clerk of the governmental unit such clerk shall certify
 17 the proposition to the proper election officials for
 18 submission at a regular election in accordance with the
 19 general election law. The proposition shall be in the
 20 following form:

21 -----
 22 Shall..... (governmental
 23 unit) levy an annual tax of not to YES
 24 exceed .15% for the purpose of providing

1 community mental health facilities and -----
2 services including facilities and services
3 for the person with a developmental NO
4 disability or a substance use disorder?

5 -----

6 (a-5) If the governmental unit is also subject to the
7 Property Tax Extension Limitation Law, then the proposition
8 shall also comply with the Property Tax Extension Limitation
9 Law. Notwithstanding any provision of this subsection, any
10 referendum imposing an annual tax on or after January 1, 1994
11 and prior to the effective date of this amendatory Act of the
12 102nd General Assembly that complies with subsection (a) is
13 hereby validated.

14 (b) If a majority of all the votes cast upon the
15 proposition are for the levy of such tax, the governing body of
16 such governmental unit shall thereafter annually levy a tax
17 not to exceed the rate set forth in Section 4. Thereafter, the
18 governing body shall in the annual appropriation bill
19 appropriate from such funds such sum or sums of money as may be
20 deemed necessary, based upon the community mental health
21 board's budget, the board's annual mental health report, and
22 the local mental health plan to defray necessary expenses and
23 liabilities in providing for such community mental health
24 facilities and services.

25 (c) If the governing body of a governmental unit levies a
26 tax under Section 4 of this Act and the rate specified in the

1 proposition under subsection (a) of this Section is less than
2 0.15%, then the governing body of the governmental unit may,
3 upon referendum approval, increase that rate to not more than
4 0.15%. The governing body shall instruct the clerk of the
5 governmental unit to certify the proposition to the proper
6 election officials for submission at a regular election in
7 accordance with the general election law. The proposition
8 shall be in the following form:

9 "Shall the tax imposed by (governmental unit) for the
10 purpose of providing community mental health facilities
11 and services, including facilities and services for
12 persons with a developmental disability or substance use
13 disorder be increased to (not more than 0.15%)?"

14 If a majority of all the votes cast upon the proposition
15 are for the increase of the tax, then the governing body of the
16 governmental unit may thereafter annually levy a tax not to
17 exceed the rate set forth in the referendum question.

18 (Source: P.A. 95-336, eff. 8-21-07; 96-764, eff. 8-25-09.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.